

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 16,383
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare finding that her twenty-year-old son who lives in her household is not eligible for VHAP benefits.

FINDINGS OF FACT

1. The petitioner's household consists of herself, her eighteen-year-old daughter, who is a high school senior, and her twenty-year-old son, who is unemployed and undergoing medical treatment. The petitioner also has a twenty-two-year-old son who is a university student and does not live at home.

2. The petitioner has health insurance for herself and her daughter and her son who is at the university. However, her twenty-year-old son is not covered by her health insurance. In February of this year, she applied for VHAP assistance for him. The Department treated the petitioner's son as part of a three member household and used his mother's income of \$2,086.17 per month in determining his eligibility.

The petitioner was notified on March 1, 2000 that her son would not be eligible for assistance due to excess income.

3. The petitioner appealed that decision asking that her twenty-year-old son be considered as his own household and that her income not be counted towards his eligibility. Her son was not living in her home before his medical condition necessitated his return to her home. At the time of her application, the petitioner was working two jobs for a total of sixty-four hours per week. Because of her need to care for her son, she has been forced to reduce her hours and, as of March 20, 2000 is earning \$1745.80 per month. She has not reapplied for VHAP benefits since her initial denial.

ORDER

The decision of the Department is affirmed.

REASONS

In general, an individual aged eighteen or over may apply for VHAP benefits as his or her own household. WAM 4001.1 However, certain individuals living in the same household are required to be considered as part of the same assistance group:

Financial Need of a VHAP Group

An individual must be a member of a VHAP group with countable income under the applicable income test to meet this requirement.

A VHAP group includes all of the following individuals if living in the same home:

- a. the VHAP applicant and his or her spouse;
- b. children under age 21 of the applicant or spouse;
- c. siblings under age 21, including halfsiblings and stepsiblings, of b.;
- d. parents, including a stepparent and adoptive parents of c., and
- e. children of any children in b. and c., and
- f. unborn children of any of the above

. . .

WAM 4001.8

Under the above regulation, the applicant's (in this case the twenty-year-old son's) siblings and parents who live in the same household must be included in his VHAP group. The Department correctly considered the petitioner's son part of a three member household including his sister and his mother. As members of the same household, the income of all three must be counted when VHAP eligibility is determined. Thus, the petitioner's income was correctly included in determining her son's VHAP eligibility.

At the time of her application, the petitioner had an income of \$2086.17 per month. After receiving the \$90 employment expense deduction, the household's countable income was \$1996.17 per month, which is in excess of the \$1735 maximum for a household of three. The Department was thus correct in determining that the son's household is over income. The petitioner was advised at the time of the hearing that her new reduced income would in all likelihood put the household under the maximum (\$1745.80-\$90 employment deduction equals \$1655.80), and was urged to reapply for VHAP immediately for her son.

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